

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 22, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILLIAM EDWARD GREEN,

Petitioner,

v.

EASTERN STATE HOSPITAL,

Respondent.

No. 2:24-CV-0046-TOR

**ORDER DISMISSING PETITION
WITHOUT PREJUDICE**

By Order filed March 20, 2024, the Court directed Petitioner William Edward Green to show cause why his *pro se* Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 should not be dismissed as a proper exercise of abstention under *Younger v. Harris*, 401 U.S. 37 (1971). ECF No. 3. Petitioner, a pretrial detainee currently housed at Eastern State Hospital, has paid the \$5.00 filing fee. Respondent has not been served.

In Petitioner's timely Response, he states that he is in immediate danger of losing his house as his taxes are due now and his house will be sold at auction on

1 December 6, 2024. ECF No. 4 at 1. He claims that his attorney “seems to be to
2 [sic] caught up in his up coming [sic] trip to Europe than [his] case.” *Id.* Petitioner
3 asks the Court to help him keep his house by releasing him. *Id.* at 2.

4 ***YOUNGER ABSTENTION***

5 In its Order to Show Cause, the Court determined that *Younger* abstention
6 applies to Petitioner’s habeas action and thus, the District Court must not interfere
7 with his ongoing state proceedings unless extraordinary circumstances exist, such
8 as a threat of irreparable injury that is “both great and immediate.” ECF No. 3 at
9 4–6; *Younger*, 401 U.S. at 46. Extraordinary circumstances may also include bad
10 faith or harassment on the part of the state. *Middlesex Cnty. Ethics Comm. v.*
11 *Garden State Bar Ass’n*, 457 U.S. 423, 437 (1982).


12 Petitioner does not identify any “extraordinary circumstances” that would
13 warrant an exception to abstention. He appears to assert that *Younger* abstention
14 should not be applied to this action because he is in immediate danger of losing his
15 house. ECF No. 4 at 1. Although Petitioner contends that his taxes are due now,
16 he does not identify how his house being sold at auction on December 6, 2024 is an
17 immediate injury. Accordingly, the Court concludes that *Younger* abstention is
18 appropriate, as Petitioner has not asserted facts sufficient to show he is entitled to
19 federal pretrial intervention.

1 Accordingly, for the reasons set forth above and in the Court's prior Order,
2 ECF No. 3, **IT IS HEREBY ORDERED** that the Petition, ECF No. 1, is
3 **DISMISSED WITHOUT PREJUDICE** based on *Younger* abstention.

4 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,
5 enter judgment, provide copies to Petitioner, and **close** the file. The Court certifies
6 that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be
7 taken in good faith and there is no basis upon which to issue a certificate of
8 appealability. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
9 appealability is therefore **DENIED**.

10 **DATED** this 22nd day of April 2024.



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THOMAS O. RICE
United States District Judge

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